

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SCOTT TAYLOR, *et al.*,

Plaintiffs,

V.

DAVID ELLINGTON, *et al.*,

Defendants.

Case No. C08-1257RSL

ORDER GRANTING DEFENDANTS' MOTION TO TRANSFER CASE

This matter comes before the Court on defendants' motion to transfer this case to the United States District Court for the District of Oregon based on improper venue. Plaintiffs have not opposed the motion. According to the general venue statute,

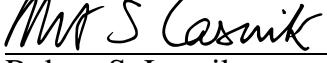
A civil action wherein jurisdiction is founded only on diversity of citizenship may, except as otherwise provided by law, be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant is subject to personal jurisdiction at the time the action is commenced, if there is no district in which the action may otherwise be brought.

28 U.S.C. § 1391. In this case, federal court jurisdiction is based solely on diversity. None of the defendants resides in this district. The motor vehicle accident that underlies this action occurred in Oregon, and the action could have been brought in that district. Accordingly, this is an improper venue. Pursuant to 28 U.S.C. § 1406(a), the Court “shall dismiss, or if it be in the

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1 interest of justice, transfer such case to any district or division in which it could have been
2 brought." The Court chooses to transfer this action because it could have been brought in
3 Oregon, and because dismissal could lead to this action being barred by the applicable statute of
4 limitations. Accordingly, defendants' motion to transfer this case (Dkt. #26) is GRANTED.
5 The Clerk of the Court is directed to transfer this case to the United States District Court for the
6 District of Oregon.

7 Having found that this district is an improper venue for this action, the Court declines
8 defendants' request to make a finding that Oregon law applies. Rather, that issue will be better
9 addressed by the transferee court.

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11 DATED this 19th day of May, 2009.
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16 Robert S. Lasnik
17 United States District Judge
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